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earthworksaction.org

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RE: Petition for agency action for moratorium on pending and new APD's on the Farmington Field Office; concerns over fugitive methane emissions and lack of adequate regulatory enforcement; comments supporting creation of a Master Leasing Plan, and comments regarding BLM's multiple use mandate.

Dear Mr. Juen and Mr. Torres,

Earthworks writes to petition the Farmington Field Office (FFO) to immediately halt approval of all pending and future Applications for Permit to Drill until the Resource Management Plan Amendment for the FFO is completed. We also have additional comments to be submitted regarding oil and gas development on FFO, and wish to incorporate – as part of this letter – comments submitted previously by the Western Environmental Law Center (WELC) and associated groups on October 27th, 2014, in their entirety.

As specifically outlined by WELC, the FFO cannot legally continue to issue APD's under an outdated RMP planning framework – one that was written far before the commercial deployment of horizontal drilling and hydraulic fracturing (henceforth, “fracking”) in the planning area. The approval of some 100 wells on the FFO have occurred not only in the absence of a relevant RMP that actually considers the unique and specific adverse environmental impacts of fracking and its associated infrastructure requirements, but also under a planning framework that considers such development to be “exploration” when it is, in reality, full field development and must be planned and regulated as such.

We also wish to bring to your attention the recent findings of a long term satellite monitoring program conducted by NASA¹, which found methane emissions from the

¹ <http://www.nasa.gov/press/2014/october/satellite-data-shows-us-methane-hot-spot-bigger-than-expected/#.VFvTh4vF-KM>

northern San Juan Basin to be the highest in the United States, and 3.5 times higher than previous estimates. As you may know, methane – although non-toxic to humans in its pure form – is a greenhouse gas 86 times more potent than carbon dioxide over a 20 year period. It is possible that the FFO, through its history and ongoing energy development practices is responsible for as much -- if not more -- global warming emissions than any other field office in the nation. This places enormous burden on the FFO to manage energy development with heightened scrutiny, by soliciting and incorporating public commentary as much as possible, and by using the most up-to-date planning tools. In our opinion, the FFO is currently doing none of these things, and is instead leasing the vast majority of the Field Office under a largely boilerplate and programmatic environmental permitting processes.

We also believe that a Master Leasing Plan (MLP) should be incorporated into the preferred alternative of the RMP Amendment. We were pleased to learn that an MLP as been discussed within the New Mexico BLM State Office and is being considered as an alternative in the RMP Amendment. We would like to be engaged as MLP stakeholders when that time comes, and believe that an MLP is the only way to ensure an adequate balance within BLM's multiple use mandate. This mandate has clearly not been adhered to within the FFO, considering that over 90% of federal lands in the FFO is already leased.

Our hope that a MLP be created is focused largely on the protection of lands surrounding Chaco Canyon. Recently your office has received a detailed proposal created by the Wilderness Society. We believe this sensible MLP approach is a good starting point for future discussions as the RMP Amendment advances.

We are requesting these comments to be considered by BLM as:

- A petition for agency action, pursuant to the Administrative Procedure Act ("APA"), 5U.S.C. § 555(b), requesting a moratorium on the approval of new APDs and leases authorizing horizontal drilling of the Mancos shale pending completion of the Farmington RMP Amendment.
- Comments on outstanding proposed EAs and/or categorical exclusions for APDs targeting horizontal drilling of the Mancos shale, including, but not limited to, the following EAs: F010-2014-0191, F010-2014-0217, F010-2014-0246, F010-2014-0250, F010-2014-0254, F010-2014-0265, F010-2012-0268, F010-2014-0272, F010-2014-0274;
- Supplemental comments on the BLM's proposed RMP Amendment for the Farmington Field Office, notice of which was published in the Federal Register in February of 2014, see 79 Fed. Reg. at 10,548 (Feb. 25, 2014);
- A request, pursuant to 40 C.F.R. § 1506.6(b)(1), that the Earthworks be mailed notice of the availability of environmental documents prepared under NEPA,

including any EAs, Environmental Impact Statements, Findings of No Significant Impact (“FONSIs”), and related decision documents, related to any APD approvals in the Farmington Field Office, including, but not limited to, the aforementioned APDs.

- A request, pursuant to 40 C.F.R. §§ 1500.1(b), 1500.2(d), and 1506.6(a), to provide for public review and comment of EAs and related decision documents related to any APD approvals in the Farmington Field Office, including, but not limited to, the aforementioned APDs, to foster informed agency decision-making and public participation.

Sincerely,

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